

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

PROCON, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:07-CV-326
	)	(VARLAN/SHIRLEY)
CALAMP CORPORATION,	)	
	)	
Defendant.	)	

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CALAMP CORP.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:07-CV-347
	)	
PROCON, INC.,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

These cases came before the undersigned pursuant to Local Rule 3.2 of the Local Rules of the United States District Court for the Eastern District of Tennessee for assignment to a District Judge. The record indicates that in the recently filed case of CalAmp Corp. v. Procon, Inc., Civil Action No. 3:07-CV-347, the complaint was filed on or about September 12, 2007. A previous case has been filed styled Procon Inc. v. CalAmp Corp., Civil Action No. 3:07-CV-326, which was assigned to the Honorable Thomas A. Varlan, United States District Judge and Magistrate Judge C. Clifford Shirley, Jr.

Pursuant to E.D. TN. LR3.2(d)(3), cases related to cases already assigned to a District Judge shall be assigned or transferred to the Judge assigned to the previously filed case. The

procedure set out in Local Rule 3.2(d)(3)(B) provides that “when it appears to the Clerk that a case submitted for filing may be related to a previously filed case, the submitted case shall be referred to the Magistrate Judge assigned to the previously filed case to determine whether or not the cases are related. If the Magistrate Judge determines that the cases are related, the Magistrate Judge will enter an Order directing the Clerk to assign the submitted case to the Judge assigned to the previously filed case.” In this matter, it appeared to the Clerk that the CalAmp case, Civil Action No. 3:07-CV-347 submitted for filing might be related to the previously filed Procon case, Civil Action No. 3:07-CV-326 and they were referred to the undersigned to determine whether or not the cases were related. Cases are deemed related under Local Rule 3.2(d)(3)(A) when a filed case arises out of the same transaction or occurrence and involves one or more of the same parties as an earlier numbered case.

It appears to the undersigned that Civil Action No. 3:07-CV-347 (CalAmp) is related to the earlier filed case, Civil Action No. 3:07-CV-326 (Procon). The parties in Civil Action No. 3:07-CV-347 are the same parties in Civil Action No. 3:07-CV-326, with only their designation as plaintiff or defendant reversed. Both cases involve the same patent and raise the issue of infringement or non-infringement. The parties are represented by the same attorneys in each case.

Therefore, the undersigned finds that these cases are deemed related as they arise, in substantial part, out of the same transaction, occurrence, or are claimed to be related thereto and involve one or more of the same parties.

Therefore, it is the opinion of the undersigned that Civil Action No. 3:07-CV-347 (CalAmp) should be assigned to the Honorable Thomas A. Varlan, who was previously assigned to Civil Action No. 3:07-CV-326 (Procon) in the interest of judicial economy.<sup>1</sup>

Accordingly, the Clerk is **DIRECTED** to assign Civil Action No. 3:07-CV-347 and Civil Action No. 3:07-CV-326 to the Honorable Thomas A. Varlan, United States District Judge.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge

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<sup>1</sup>The Court also notes and calls the parties attention to Local Rule 3.2(e), which provides that “this rule is intended to provide for the orderly division of the business of the Court and not to grant any right to any litigant.”